



231 NE Fifth Street • McMinnville, Oregon 97128 • www.mcminnvilleoregon.gov

January 21, 2020

Doug Egan
MD Builders, Inc.
PO Box 175
McMinnville, OR 97128

RE: Land Use Application Approvals – 1945 NW 2nd Street
ZC 4-19 (Ordinance No. 5090) & CU 4-19 (Ordinance No. 5091)

Dear Mr. Egan:

This is to advise you that, at a meeting of the McMinnville City Council on Tuesday, January 14, 2020, your applications for a Zone Change (ZC 4-19) and Conditional Use Permit (CU 4-19) were presented and considered. The subject property of approximately 0.82 acres is located 1945 NW 2nd Street, and is more specifically described as Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.

Based on the material submitted, testimony received, and the applicable review criteria, the City Council voted to take the following actions on your land use applications:

1. **APPROVE** the zone change request (ZC 4-19), **subject to conditions.**
2. **APPROVE** the conditional use permit request (CU 4-19), **subject to conditions.**

Enclosed for your records are copies of Ordinance No. 5090 (ZC 4-19) and Ordinance No. 5091 (CU 4-19), which were adopted by the City Council on January 14, 2020, and include your land use decisions with the Findings of Fact and Conclusionary Findings for approval.

The approval of the Zone Change (ZC 4-19) and Conditional Use (CU 4-19) included conditions of approval, which are included in Ordinance No. 5090 and 5091, respectively, and your land use decision documents. We have also provided the conditions of approval below.

Zone Change (ZC 4-19) Conditions of Approval:

1. That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.

2. That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the use(s) allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.
3. That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.
4. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree from the site greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of buildings, driveways or parking lots, utilities, or other improvements. The inventory and report shall be provided prior to the issuance of construction or building permits.
5. That prior to the issuance of building permits, the applicant shall dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.
6. That prior to the issuance of building permits, the applicant shall dedicate a 10 (ten) foot public utility easement along the site's NW 2nd Street frontage.
7. That driveway and sidewalk improvements within the site and adjacent to the site shall be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG).
8. That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.
9. That a dedicated 10 foot landscaped area be provided along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single-family uses and the multiple-family site. No improvements shall encroach on the dedicated landscaped area. Proposed plant material and fencing to provide required buffering shall be included on a landscape plan for the site that shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of building permits.
10. That an additional area equivalent to seven (7) percent of the gross area of the site committed to multiple-family residential development shall be reserved for usable open space for residents of the multiple-family development. The usable open space area shall be in addition to the required landscape area along the north property line. The usable open space area shall also be a contiguous area with no dimension less than 10 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.
11. That five (5) foot wide sidewalks and six (6) foot wide planter strips are provided along the property frontage in compliance with McMinnville's Transportation System Plan Complete Street Standards.

12. That the applicant shall plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the right-of-way as possible. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
13. That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance of building permits. All landscaping shall be installed as approved by the Landscape Review Committee prior to final building permit inspections being completed.

Conditional Use Permit (CU 4-19) Conditions of Approval:

1. That the decision for approval of the Conditional Use Permit (CU 4-19) is not rendered, and does not take effect, until and unless the concurrent Zone Change (ZC 4-19) request is approved by City Council. All applicable conditions from Docket Number ZC 4-19 shall be satisfied.
2. That the structure housing the dental clinic shall be no more than thirty-five feet in height.
3. That sight-obscuring fencing be provided along the entire western property line, outside of the required front yard.
4. That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.
5. That the dental clinic's hours of operation shall be restricted to between 7:00 AM and 8:00 PM.

The City Council's decisions may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written noticed of the City Council's decision is mailed to parties who participated in the local proceedings and are entitled to notice as provided in ORS 197.620 and ORS 197.830 and Section 17.72.190 of the McMinnville Municipal Code. If no appeal is filed with LUBA on or before February 11, 2020, the decision of the City Council will be final.

Doug Egan
January 21, 2020
Re: ZC 4-19, CU 4-19

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If you have any questions regarding this matter, please feel free to contact me at (503) 434-7311.

Sincerely,



Jamie Fleckenstein, PLA
Associate Planner

JF:sjs

c: Heather Richards, Planning Director
Melinda Judd, 815 NW 18th Place, McMinnville, OR 97128
Anna Stahl, annastahl@comcast.net

Enclosures (*on file with the Planning Department*):

Ordinance No. 5090

Decision, Conditions, Findings of Fact, and Conclusionary Findings for the Approval of a Zone Change from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) for a 0.82 acre parcel on NW 2nd Street (Docket ZC 4-19)

Ordinance No. 5091

Decision, Conditions, Findings of Fact, and Conclusionary Findings for the Approval of a Conditional Use Permit for a Dental Clinic at 1945 NW 2nd Street (Docket CU 4-19)